

# State of South Dakota

## SEVENTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2000

400D0318

### SENATE BILL NO. 30

Introduced by: The Committee on Judiciary at the request of the Department of Game, Fish,  
and Parks

1 FOR AN ACT ENTITLED, An Act to revise the procedures and causes for revocation of certain  
2 hunting, fishing, and trapping privileges, and to provide a penalty.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 41-6-74.1 be amended to read as follows:

5 41-6-74.1. ~~The court shall revoke a person's hunting, fishing, or trapping privilege for a~~  
6 ~~period of one year following the~~ At the time of conviction for any one of the following offenses:

7 (1) Violation of any game and fish law punishable as a felony or Class 1 misdemeanor;

8 (2) Violation of § 41-8-17, 41-8-37, or 41-12-12;

9 (3) Violation of any other ~~law~~ statute or rule pertaining to fishing, hunting, or possessing  
10 game without a license or during a closed season; or

11 (4) Taking or possessing in excess of the lawful daily or possession limit:

12 (a) One or two paddlefish;

13 (b) Two or three turkeys;

14 (c) Four to six, inclusive, of any one game fish as regulated other than paddlefish;

15 (d) Four to six, inclusive, of any one small game animal as regulated;

16 the person's applicable hunting, fishing, or trapping privileges in South Dakota are automatically

1 revoked without further hearing for a period of one year following date of conviction.

2 Section 2. That § 41-6-74.2 be amended to read as follows:

3 41-6-74.2. ~~The court shall revoke a person's hunting, fishing, or trapping privilege for a~~  
4 ~~period of two to five years, inclusive, following the~~ At the time of conviction for taking or  
5 possessing in excess of the lawful daily or possession limit any of the following:

6 (1) Three or more paddlefish;

7 (2) Four or more turkeys;

8 (3) Seven or more of any one game fish as regulated other than paddlefish; or

9 (4) Seven or more of any one small game animal as regulated;

10 the person's applicable hunting, fishing, or trapping privileges in South Dakota are automatically  
11 revoked without further hearing for a period of three years following date of conviction.

12 Section 3. That § 41-6-74.3 be amended to read as follows:

13 41-6-74.3. If a person's ~~license~~ privilege has been revoked pursuant to § 41-6-74.1 or  
14 41-6-74.2, the ~~court shall require the license holder to~~ person, if present at the time of  
15 conviction, shall immediately surrender and deliver the license to the court or clerk of courts at  
16 which time the revocation shall be noted on the face of the license by the court or clerk of courts  
17 and the license returned to the Department of Game, Fish and Parks. If the person is not present  
18 at the time of conviction, the person shall within five days of the conviction deliver and return  
19 the license to the Department of Game, Fish and Parks. A violation of this section is a Class 2  
20 misdemeanor. If the person has a combination license, the revocation shall be noted on the face  
21 of the license and the license shall be returned to the person to remain valid for the other  
22 purposes permitted by the license. For the purposes of §§ 41-6-74.1 and 41-6-74.2, the term,  
23 conviction, is defined as provided in § 32-12-53.